



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TC 3700 MAIL ROOM

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In re Application of:

FRED C. WEXLER, ET AL.

Application No.: 09/965,834

Filed: October 1, 2001

For: CHANGEABLE COLOR SHAVING AID )

Examiner: Maurina T. Rachuba

Group Art Unit: 3724

December 18, 2002

Commissioner for Patents  
Washington, D.C. 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on  
WILLIAM J. BRUNET (REG. NO. 20,452)  
(Date of Deposit)

12/11/2002 09:01:01 00000002 09965834

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DECEMBER 18, 2002

(Name of Attorney for Applicant)

William J. Brunet 12/18/02  
Signature Date of Signature

INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, applicants' submit herewith copies of the papers that have been filed in the European Patent Office from July 2000 through September 25, 2002 in connection with an opposition filed by The Gillette Company against European Patent No. EP-B-773 855 (Application No. 95 923 8403), which is a counterpart of the subject U.S. application. Copies of the documents filed in said opposition prior to July 2000 were submitted in an Information Disclosure Statement filed on April 19, 2000 in applicants' parent application No. 08/285,364, filed August 3, 1994, now U.S. Patent No. 6,295,733. A copy of the Information Disclosure Statement citing those earlier submitted documents accompanies this statement. These documents are listed on the enclosed Forms (PTO-1449)(2


pages). Also enclosed is the requisite fee of \$180.00 to cover the Information Disclosure Statement under 37 C.F.R. 1.97(c)(2).

At an oral hearing on September 30, 2002, the European Opposition Board held that the claims were impermissibly broadened in violation of Article 123(2) and 123(3) EPC. The Opposition Board also construed the claims of EP-B-773 855 as being sufficiently broad to include a partially used razor as shown in Figs. 3b-j of WO 95/20472 (exhibit D3, counterpart of US 5,388,331) of record in this application. The written opinion of the Opposition Board is included with this Information Disclosure Statement. An appeal is being filed by the patent owner.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

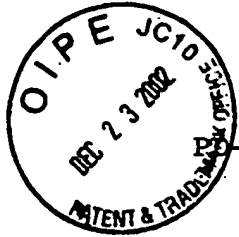
Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

  
William J. Brunet  
Attorney for Applicant  
Registration No. 20,452

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

#306090



PA-4687-04 CWA (845.17800)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
FRED WEXLER, ET AL. ) : Examiner: S. Pryor  
CONTINUED PROSECUTION ) : Group Art Unit: 3204  
APPLICATION OF: )  
Application No.: 08/285,364 )  
Filed: August 3, 1994 )  
For: CHANGEABLE COLOR SHAVING :  
AID ) April 18, 2000

Assistant Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

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Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Forms PTO-1449 (2 pages). Copies of the listed documents are also enclosed.

Applicants submit herewith the papers that have been filed in the European Patent Office in connection with an opposition filed by The Gillette Company against European Patent No. EP-B-773 855 (Application No. 95 923 8403), which is a counterpart of the subject U.S. application. These papers include:

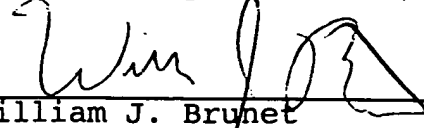
1. Notice of Opposition to a European Patent, dated February 12, 1999, and Exhibits D1-D10 (TAB 1);
2. Response to Opposition, dated July 21, 1999, including amended description and claims and Exhibits D11-D17 (TAB 2);
3. Opposer's Facts and Arguments (December 13, 1999), Annex and Exhibits D18-D21 (TAB 3);
4. Patentee's Comments on the Observations of the Opponent, dated April 12, 2000, Annex 1, Annex 2, Annex 3 and Exhibits D22-D28 (TAB 4).

The references which comprise Exhibits D1-D28, copies of which are included herein, are identified on the accompanying Forms PTO-1449.

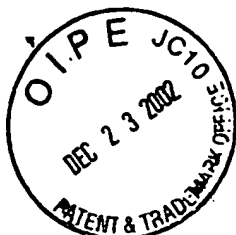
It is respectfully requested that this material be considered by the Examiner and made of record in this application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100.

Respectfully submitted,

  
\_\_\_\_\_  
William J. Brunet  
Attorney for Applicants  
Registration No. 20,452

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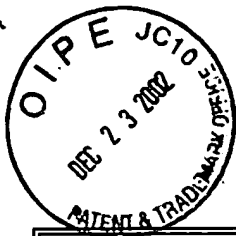


FORM PTO 1449 (modified)		ATTY DOCKET NO. <b>845.16500 CI</b>	APPLICATION NO. <b>09/965,834</b>
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		APPLICANT <b>FRED C. WEXLER, ET AL</b>	
LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)		FILING DATE <b>OCTOBER 1, 2001</b>	GROUP
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)			
1	Patentee's submission of Andrade's Affidavit and Exhibits, July/August 2000		
2	Opponent's Observations on the Patentee's Submissions of May 16, 2000 and September 8, 2000, dated December 19, 2000		
3	EPO Interim Opinion, dated January 19, 2001		
4	EPO Summons to Attend Oral Proceedings Pursuant to Rule 71(1) EPC and Interim Opinion, dated September 19, 2001		
5	Patentee's Submissions to the EPO, Claim 17 of the Auxiliary Request and Authorization authorizing D. Perkins to Represent Patentee, dated December 21, 2001		
6	Opponent's Observations on the patentee's submission of July 10, 2001, dated December 21, 2001; Declaration of Michael J. Kwiecien dated December 18, 2001		
7	Patentee's Response of 1/17/02 (with documents D31-D35)		
8	Opponent's Response dated January 21, 2001		
9	Opponent's submission of Abstracted Versions of TBA Decisions, dated January 23, 2001		
10	Patentee's Amended Specification of Main Request; and Amended Specification of First Auxiliary Requested, dated January 28, 2002		
11	EPO Minutes of Oral Proceeding of January 25, 2002, dated March 1, 2002		
12	Patentee's inquiry re: 1 May 2002 deadline to submit cleanly typed pages of the presently pending requests, dated March 8, 2002		
13	Opponent's Observations on the Patentee's newly filed Main Request and Auxiliary Request, dated March 20, 2002 with EPO transmittal dated April 4, 2002		
14	EPO BRIEF COMMUNICATION enclosing copy of correspondence regarding the subsequent changes in representation		
EXAMINER		DATE CONSIDERED	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

#306090

Sheet 1 of 2



FORM PTO 1449 (modified)		ATTY DOCKET NO. <b>845.16500 CI</b>	APPLICATION NO. <b>09/965,834</b>
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)		APPLICANT <b>FRED WEXLER, ET AL.</b>	
		FILING DATE <b>OCTOBER 1, 2001</b>	GROUP <b>3724</b>
OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)			
	15	Summons to Attend Oral Proceedings Pursuant to Rule 71(1) EPC, dated April 26, 2002	
	16	Patentee's Submission of July 13, 2002 - Amended Claims (31a) and Affidavit of Prof. Fitter (31b)	
	17	Patentee's submission of Attendees re: oral proceedings on September 30, 2002, dated August 22, 2002	
	18	Opponent's Comments on Patentee's Submission of 7/30/02, dated August 30, 2002	
	19	Patentee's Comments on Opponent's Submission of August 30, 2002, dated September 5, 2002	
	20	Opponent's Comments on Patentee's Submission of September 5, 2002, dated September 10, 2002	
	21	Patentee's Comments on Opponent's Submission of September 10, 2002, dated September 13, 2002	
	22	Opponent's Comments on Patentee's Submission of September 13, 2002, dated September 23, 2002	
	23	Patentee's Communication regarding deletion of representative to appear at Oral Hearing scheduled for September 30, 2002	
	24	Patentee's Comments on Opponent's Submission of September 23, 2002, dated September 25, 2002	
	25	EPO Minutes of Oral Proceedings of September 30, 2002, dated November 18, 2002	
	26	Decision of EPO Opposition Board, dated November 18, 2002	
	27	Appendix to the EPO Opposition Board Decision dated, November 18, 2002	
EXAMINER		DATE CONSIDERED	

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.